

#3

ARTER & HADDEN LLP
ATTORNEYS AT LAW

founded 1843

Austin
Cleveland
Columbus
Dallas
Dayton
Irvine
Los Angeles
Sacramento1100 Huntington Building
925 Euclid Avenue
Cleveland, Ohio 44115-1475
telephone 216.696.1100
facsimile 216.696.2645San Antonio
San Diego
San Francisco
Washington, D.C.
Woodland Hills
Affiliated Offices
Brussels, Belgium
Geneva, Switzerland**RECEIVED**

JUN 06 2001

PCT SPECIAL
FAX COVER SHEET PROGRAMS OFFICE

TO:

Mr. Paul Bell
PCT Legal OfficeUnited States Patent and Trademark Office

FAX NO.:

(703) 305-2919Telephone(703) 308-3543FROM: Doris J. WhiteDATE: 06/06/01

TIME: _____

TOTAL NO. OF PAGES: 13
(including cover page)CLIENT / MATTER: 75978/10821**CONFIDENTIALITY NOTICE**

The information in this fax transmission and the documents accompanying it contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individuals or entities named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited. If you have received this fax in error, please immediately notify us by telephone to arrange for return of the original documents to us.

COMMENTS

Re: U.S. Serial No. 09/601,073 based upon PCT application no. PCT/AU99/00069

Per our telephone conversation on June 5, 2001, please find enclosed the petition for the above document along with the declaration, assignment, FOA and Revocation of Prior Powers, and Statement under 3.73(b).

Should you need to contact me, my telephone number is (216) 696-5195 or you may contact the Patent Attorney handling this matter, Susan L. Mixer at (216) 696-3466,

Thanks, Doris J. White

*If you have any problems reading this transmission,
please call the above telephone number and ask for the fax operator.*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF : Thomas Exner
FOR : IMPROVED BLOOD COAGULATION TEST
SERIAL NO. : 09/601,073
FILED : July 26, 2000
ART UNIT : N/A
DOCKET NO. : 75978/10821

TRANSMITTAL

Box PCT
Attention: PCT Legal Office
Assistant Commissioner for Patents
Washington, DC 20231

Dear Sirs:

Please find enclosed the following Documents for filing:

1. Petition For Revival of an Application For Patent Abandonment Unintentionally Under 37 CFR §1.137(b);
2. Declaration and Power of Attorney;
3. Recordation form cover sheet to record the Assignment from Thomas Exner to Gradipore, Limited;
4. Power of Attorney and Revocation of Prior Powers; and
5. Statement Under 37 CFR §3.73(b)

In the event there are any fees due with the filing of these documents, the Commissioner is authorized to charge Deposit Account No. 50-0902.

Respectfully submitted,



Susan L. Mizor
Reg. No. 38,245
ARTER & HADDEN LLP
1100 Huntington Building
925 Euclid Avenue
Cleveland, Ohio 44115
Telephone: (216) 696-3466
Facsimile: (216) 696-2645

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF : Thomas Exner
FOR : IMPROVED BLOOD COAGULATION TEST
SERIAL NO. : 09/601,073
FILED : July 26, 2000
ART UNIT : N/A
DOCKET NO. : 75978/10821

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. §1.137(b)

Box PCM
Attention: PCT Legal Office
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This application became abandoned on February 21, 2001. This application became abandoned because the failure to prosecute was an unintentional delay. Pursuant to 37 CFR §1.137(b) (3), the entire delay in filing the required reply from the date until the filing of this petition was unintentional.

This petition is 3 months after the date the application was abandoned. Applicant additionally submits a showing as to how the delay between the date the applicant was first notified that the application was abandoned and the filing of this petition under 37 CFR §1.137(b).

1. Since January 2001, Gradipore Limited was in the process of transitioning its intellectual property portfolio to another law firm.
2. The files, including this application, were sent to John X. Garred at Arter & Hadden LLP in mid-April 2001.

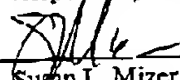
3. At that time, we started the process of thoroughly examining the files and transferring them into Arter & Hadden's intellectual property docket system.
4. During this process, we noticed that no correspondence had been received from the United States Patent and Trademark Office for this application.
5. We immediately contacted the Patent Assistance Center at the United States Patent and Trademark Office to check on the status of this application. On June 4, 2001, we were informed that this application was still in the PCT Division.
6. We contacted the PCT Division at the United States Patent and Trademark Office on June 5, 2001. We were informed by Mr. Paul Bell that this application was abandoned on February 21, 2001.

Therefore, it is respectfully requested that this Petition for Revival of an application for Patent Abandonment be granted and the Form 905 be remailed, so that Applicant has an opportunity to respond thereto.

Applicant status is a small business entity. The Commissioner is hereby authorized to charge the filing fees for this petition to Deposit Account No. 50-0902 and to credit any overpayments to the same.

Date: 6/6/01

Respectfully submitted,


Susan L. Mizer
Reg. No. 38,245
Arter & Hadden LLP
1100 Huntington Building
925 Euclid Avenue
Cleveland, Ohio 44115-1475
(216) 696-3466 (phone)
(216) 696-2645 (fax)

CERTIFICATE OF MAILING UNDER 37 C.F.R. 81.8

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being sent via facsimile to the PCT Legal Office addressed to Box PCT Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 6/6/01


Name: Doris White

590083.1

Attorney Docket 071550.0017
Your Ref. No.: 101259

DECLARATION AND POWER OF ATTORNEY
(Original Application)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my

name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

IMPROVED BLOOD COAGULATION TEST

the specification of which is attached hereto and/or was filed on July 26, 2000, as Application No 09/601,073.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

FOREIGN PRIORITY APPLICATION(S)

<u>JP 1596</u>	<u>Australia</u>	<u>February 2, 1998</u>	
(Number)	(Country)	(Day/month/year filed)	

Priority Claimed
☒ Yes ☐ No

_____	_____	_____	
(Number)	(Country)	(Day/month/year filed)	

Priority Claimed
☐ Yes ☐ No.

Attorney Docket 071550.0011/
Your Ref. No.: 101259

I hereby claim the benefit under Title 35, United States Code §119(c) of any United States provisional patent application(s) listed below and have also identified below any United States provisional patent application(s) having a filing date before that of the application on which priority is claimed:

PROVISIONAL PRIORITY PATENT APPLICATION(S)

Priority Claimed

☐ Yes ☐ No

(Application No.)

(Filing Date)

Priority Claimed

☐ Yes ☐ No

(Application No.)

(Filing Date)

And I hereby appoint the registered attorneys and agents associated with AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P., Customer No. 000570, as my attorneys or agents with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence to Customer No. 000570, namely, AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P., 1333 New Hampshire Avenue, N.W., Suite 400, Washington, D.C. 20036. Please direct all communications and telephone calls to

Alex Chartov
AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.
1333 New Hampshire Avenue, N.W.
Suite 400
Washington, D.C. 20036
Phone: (202) 887-4149
Fax: (202) 955-7613
e-mail: achartov@akingump.com

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made

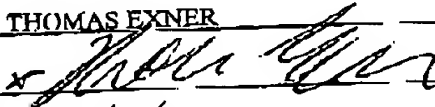
Attorney Docket 071550.0017
Your Ref. No.: 101259

these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole

or first inventor THOMAS EXNER

Inventor's Signature



Date

26/9/2000Residence 1 Lennox Street, Gordon, New South Wales, 2072, AustraliaCitizenship Australian

Post Office

PO Box 6126 FRENCHS FOREST NSW 2086 AUSTRALIA.

Address

423692 v1

Form PTO-1595 (Rev. 03/01) OMB No. 0661-0027 (exp. 5/31/2002) Teletype settings: ☐ ☐ ☐		RECORDATION FORM COVER SHEET PATENTS ONLY		U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office	
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.					
1. Name of conveying party(ies): <u>Thomas Exner</u>			2. Name and address of receiving party(ies) Name: <u>Gradipore, Limited</u> Internal Address: _____		
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			Street Address: <u>145 Riverside Corporate Park</u> <u>35-105 Delhi Road, North Ryde</u> <u>New South Wales, 2072 AUSTRALIA</u> City: _____ State: _____ Zip: _____		
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____			Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Execution Date: <u>September 26, 2000</u>			4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____ A. Patent Application No.(s) <u>09/601,073</u> B. Patent No.(s)		
Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>Susan L. Mizer</u> Internal Address: _____ _____ Street Address: <u>Arter & Hadden LLP</u> <u>925 Euclid Avenue, 1100 Huntington Building</u> City: <u>Cleveland</u> State: <u>Ohio</u> Zip: <u>44115</u>		
6. Total number of applications and patents involved: <input checked="" type="checkbox"/>			7. Total fee (37 CFR 3.41).....\$ <u>40.00</u> <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account		
8. Deposit account number: <u>6U-0902</u> (Attach duplicate copy of this page if paying by deposit account)			DO NOT USE THIS SPACE		
9. Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.					
<u>Susan L. Mizer</u> Name of Person Signing			<u>[Signature]</u> Signature		
Total number of pages (including cover sheet, attachments, and documents): <input checked="" type="checkbox"/>			<u>6/6/01</u> Date		

Mail documents to be recorded with required cover sheet information to:
 Commissioner of Patents & Trademarks, Box Assignments
 Washington, D.C. 20231

Attorney Docket No.: 071550.0017
Your Ref. No.: 101259

SOLE

ASSIGNMENT

WHEREAS, I, THOMAS EXNER, a citizen of Australia with a post office address of 1 Lennox Street, Gordon, New South Wales, 2072, hereinafter generally referred to as "ASSIGNOR", have invented a certain new and useful

IMPROVED BLOOD COAGULATION TEST

for which I have executed a United States patent application, Application No. 09/601,073, filed July 26, 2000, and

ASSIGNOR authorizes ASSIGNEE or ASSIGNEE's representative to insert the Application Number and Filing date of this application if they are unknown at the time of execution of this Assignment.

WHEREAS, Gradipore, Limited, an Australian corporation having a place of business at 145 Riverside Corporate Park, 35-105 Delhi Road, North Ryde, New South Wales, 2072, hereinafter generally referred to as "ASSIGNEE", is desirous of acquiring said invention and said patent application.

NOW, THEREFORE, in consideration of the sum of One Dollar and other good and valuable executed consideration, the full receipt and sufficiency of all of which are hereby acknowledged, and intending to be legally bound hereby, I, the undersigned ASSIGNOR, hereby agree to sell, assign, transfer and convey and by these presents do sell, assign, transfer and convey unto the above-named ASSIGNEE, the whole and entire right, title and interest

in and to said invention as described in the above patent application, for the territory of the United States and its possessions and territories and all foreign countries;

in and to the above patent application and any and all related United States and foreign patent applications disclosing said invention, including provisionals, non-provisionals, divisions and continuations thereof, along with all rights of priority created by said patent application under any treaty relating thereto; and

in and to all United States and foreign patents which may be granted on any and all of said patent applications, including extensions, reissues and reexamination certificates thereof;

Attorney Docket No.: 071550.0017
Your Ref. No.: 101259

SOLE

said invention, application(s) and patent(s) to be held and enjoyed by the above-named ASSIGNEE, for ASSIGNEE's own use and benefit, and for ASSIGNEE's legal representatives and assigns to the full end of the term or terms for which said patent(s) may be granted, as fully and entirely as the same would have been held by the undersigned ASSIGNOR had this assignment and sale not been made; and for the aforesaid consideration ASSIGNOR hereby covenants, agrees and undertakes to execute, whenever requested by the above-named ASSIGNEE, all patent applications, assignments, lawful oaths and any other papers which ASSIGNEE may deem necessary or desirable for securing to ASSIGNEE or for maintaining for ASSIGNEE all the patent(s) hereby assigned or agreed to be assigned; all without further compensation to the undersigned ASSIGNOR.

26/9/2000
DATE

 (Seal)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Thomas Exner
FOR : IMPROVED BLOOD COAGULATION TEST
SERIAL NO. : 09/601,073
FILED : July 26, 2000
ART UNIT : N/A
ATTORNEY DOCKET NO. : 75978/10821
Cleveland, Ohio 44115-1475

POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST
(REVOCATION OF PRIOR POWERS)

Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

As assignee of record of the entire interest of the above-identified

- (x) application,
() patent,

REVOCATION OF PRIOR POWERS OF ATTORNEY

all powers of attorney previously given are hereby revoked and

NEW POWER OF ATTORNEY

the following attorneys and/or agents are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith:

Alan J. Ross, Reg. No. 33,767
 John X. Garred, Reg. No. 31,830
 Michael A. Jaffe, Reg. No. 36,326
 James C. Scott, Reg. No. 35,351

Susan L. Mizer, Reg. No. 38,245
 Eric C. Jorgensen, Reg. No. 46,002
 Larry B. Donovan, Reg. No.
 Jay P. Ryan, Reg. No. 37,064

Direct all telephone calls to : Susan L. Mizer
 at telephone number : (216) 696-3466
 at facsimile number : (216) 696-2645
 Direct all correspondence to : Susan L. Mizer

ARTER & HADDEN LLP
 1100 Huntington Building
 925 Euclid Avenue
 Cleveland, Ohio 44115-1475

ASSIGNEE:

GRADIPORE LIMITED
 145 Riverside Corporate Park
 35-105 Delhi Road, North Ryde
 New South Wales, 2113
 Australia

() Recorded in PTO
 Reel: _____
 Frame: _____

(x) Assignment document executed on September 26, 2000, transferring rights in the above application from Thomas Exner to Gradipore Limited. Assignment document mailed to PTO on June 6, 2001, for recording. A copy is attached.

ASSIGNEE STATEMENT

(X) Attached to this power is a "STATEMENT UNDER 37 C.F.R. § 3.73(b)"

Date: 5 April 2001

By: [Signature]
 Print Name: TIM WANN
 Print Title: MANAGING DIRECTOR

PTO/SB/96 (6-98)

Approved for use through 09/30/2000 OMB 0651-0031

Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Gradipore LimitedApplication No./Patent No.: 09/601,073 Filed/Issue Date: July 26, 2000Entitled: IMPROVED BLOOD COAGULATION TESTGradipore Limited, an
(Name of Assignee)Australian Corporation

(Type of Assignee, e.g. a corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest, or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☐ A chain of title from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s) of the patent application/patent identified above, to the current assignee as shown below.

1. From: Thomas Exner To: Gradipore Limited
The document was recorded in the Patent and Trademark Office at:
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at:
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at:
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8).

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

6 June 2001
Date

[Signature]
Signature

John Marusi
Print Name

Executive Chairman
Print Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comment on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington DC 20231.

5/00/95 1

203 696 1739

PAGE. 02

JUN 06 2001 11:56

** TOTAL PAGE.13 **